

RESOLUTION NO. _____, SERIES 2010

A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION SUIT AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE HARRODS CREEK BRIDGE PROJECT ON RIVER ROAD (PARCEL NO. 14).

SPONSORED BY: Councilman Kelly Downard

WHEREAS, the Louisville/Jefferson County Metro Government ("Metro"), pursuant to KRS 67C.101 (3)(f) may acquire real property for public uses through the exercise of the power of eminent domain; and

WHEREAS, KRS 416.560(1) requires the legislative council of Metro ("Council") to approve the exercise of the power of eminent domain prior to Metro's instituting such proceedings; and

WHEREAS, Metro (as successor to Jefferson County and the City of Louisville) has planned and designed the Harrods Creek Bridge Project on River Road in conjunction with the Louisville/Jefferson County Metro Government Department of Public Works.

AND WHEREAS, as a part of the Harrods Creek Bridge Project on River Road, it is necessary to acquire a temporary easement to construct the Harrods Creek Bridge Project on River Road for the use and benefit of the citizens of Metro; and

WHEREAS, Metro has not been able to acquire the temporary easement necessary for the Harrods Creek Bridge Project on River Road described as Parcel No. 14 in the description attached hereto as Exhibit A ("Condemned Property") from the owner of the Condemned Property through good faith negotiations; and

WHEREAS, KRS 416.550 authorizes Metro to exercise its right of eminent domain against a property when it cannot acquire the property by agreement with the owner thereof.

BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

Section 1: That in order to complete the Harrods Creek Bridge Project on River Road, Metro Government needs to acquire the Condemned Property, as described on attached Exhibit A and platted as Parcel No. 14 on the plat map attached hereto as Exhibit B. The property is a portion of the property acquired by Mary Dooley f/k/a Mary J. Pollard by the following deeds, all of record in the Office of the County Clerk of Jefferson County, Kentucky: deed dated August 5, 1987, of record in Deed Book 5700, Page 208; deed dated January 25, 1994, of record in Deed Book 6409, Page 775; deed dated October 8, 2002, of record in Deed Book 7981, Page 527; deed dated October 8, 2002, of record in Deed Book 7981, Page 529; deed dated June 15, 2004, of record in Deed Book 8436, Page 496; and deed dated January 31, 2007, of record in Deed Book 8993, Page 962.

Bill Dooley may have an interest in the Condemned Property as the husband of Mary Dooley f/k/a Mary J. Pollard, owner of the Condemned Property as set out above.

Option One Mortgage Corporation may have an interest in the Condemned Property as the assignee of H&R Block Mortgage Corporation by Assignment of Deed of Trust dated October 24, 2005, of record in Deed Book 8733, Page 488, in the Office of the Clerk of Jefferson County, Kentucky. Bill Dooley and Mary Dooley granted a mortgage to H&R Block Mortgage Corporation on August 18, 2005, which mortgage is of record in Mortgage Book 9642, Page 625 in the Office aforesaid.

Since Metro cannot, by agreement with the owner of the Condemned Property, acquire the Condemned Property, then the Office of the Jefferson County Attorney is authorized to institute condemnation proceedings pursuant to KRS 416.560, *et seq.* against the owner of the Condemned Property.

Section 2: That the Council finds that the Condemned Property needs to be acquired for the public use of Metro.

Section 3: That this Resolution shall become effective upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Thomas L. Owen
President of the Council

Jerry E. Abramson
Mayor

Approved _____
Date _____

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____
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Exhibit A

Bridge Over Harrods Creek on River Road Parcel No. 14

Being a tract of land lying in Jefferson County along River Road approximately 0.1 mile North of the intersection of River Road and Wolf Pen Branch Road, and more particularly described as follows:

Beginning at a point in the existing right-of-way line 13.70 feet left of RIVER ROAD station 0+38.00; thence with the proposed easement line for five calls: North 25 degrees 29 minutes 18 seconds West, 30.85 feet to a point 42.00 feet left of RIVER ROAD station 0+51.00; North 31 degrees 10 minutes 45 seconds East, 32.16 feet to a point 46.00 feet left of RIVER ROAD station 0+86.00; North 39 degrees 11 minutes 33 seconds East, 25.56 feet to a point 44.00 feet left of RIVER ROAD station 1+14.00; North 33 degrees 20 minutes 46 seconds East, 28.32 feet to a point 43.00 feet left of RIVER ROAD station 1+45.00; North 64 degrees 08 minutes 41 seconds East, 22.85 feet to a point in the existing right-of-way line 29.65 feet left of RIVER ROAD station 1+65.00; thence with the existing right-of-way line for three calls: South 26 degrees 57 minutes 36 seconds West, 24.29 feet to a point 28.90 feet left of RIVER ROAD station 1+39.21; South 19 degrees 47 minutes 22 seconds West, 60.68 feet to a point 14.24 feet left of RIVER ROAD station 0+77.62; 38.52 feet along an arc to the right, having a radius of 523.44 feet, the chord of which is South 38 degrees 43 minutes 48 seconds West, 38.51 feet to the point of beginning.

The above described parcel contains .055 acres (2,415 sq.ft.) of Temporary Easement for the purpose of hillside excavation to improve driver sight distances.

Being a part of the same property conveyed to Mary Dooley f/k/a Mary J. Pollard, by deed dated January 31, 2007, of record in Deed Book 8993, Page 962, in the office of the County Clerk of Jefferson County, Kentucky.